



THE FOLLOWING ORDER  
IS APPROVED AND ENTERED  
AS THE ORDER OF THIS COURT:

DATED: December 10, 2012

*Susan V. Kelley*  
Honorable Susan V. Kelley  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

In re	)	
	)	Bankruptcy Case No. 12-27392-svk
JESSEL T TOLEDO and	)	
HELEN S TOLEDO,	)	
Debtor.	)	
	)	
JESSEL T TOLEDO and	)	Adversary No. 12-02807-svk
HELEN S TOLEDO,	)	
	)	
Plaintiff,	)	
v.	)	
	)	
WATERSTONE BANK SSB,	)	
	)	
	)	
Defendant.	)	

**ORDER ON STIPULATION**

Upon consideration of the Stipulation between Jessel T Toledo and Helen S Toledo (“Debtors”) and Waterstone Bank SSB (“Creditor”) regarding the second mortgage lien held by Creditor which encumbers property more commonly known as 7981 S Bernards Way, Oak Creek, WI 53154, and the entire record in this case,

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**IT IS THEREFORE ORDERED:**

1. Creditor's claim shall be allowed as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtors' Chapter 13 Plan.
2. The avoidance of Creditor's second lien is contingent upon the Debtors' completion of the Chapter 13 plan and the Debtors' receipt of a Chapter 13 discharge.
3. Creditor shall retain its lien for the full amount due under the subject loan should the subject property be sold or should a refinance take place prior to the Chapter 13 Plan completion and entry of a Discharge.
4. Creditor shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtors' Chapter 13 case or the conversion of the Debtors' Chapter 13 case to any other Chapter under the United States Bankruptcy Code.
5. In the event that any entity, including the holder of the first lien on the Subject Property, forecloses on its security interest and extinguishes Creditor's lien prior to the Debtor's completion of the Chapter 13 Plan and receipt of a Chapter 13 discharge, Creditor's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.
6. Each Party will bear their own attorneys' fees and cost incurred in the present adversary case number 12-2807-svk.

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